

103^D CONGRESS
1ST SESSION

S. 809

To amend title 23, United States Code, relating to open containers of alcoholic beverages and consumption of alcoholic beverages in the passenger area of motor vehicles, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 22 (legislative day, APRIL 19), 1993

Mr. DORGAN introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend title 23, United States Code, relating to open containers of alcoholic beverages and consumption of alcoholic beverages in the passenger area of motor vehicles, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. OPEN CONTAINER LAWS.**

4 (a) ESTABLISHMENT.—Chapter 1 of title 23, United
5 States Code, is amended by adding at the end the follow-
6 ing new section:

1 **“§ 161. Open Container Limitations**

2 “(a) WITHHOLDING OF FUNDS FOR NONCOMPLI-
3 ANCE.—

4 “(1) GENERAL RULE.—Beginning with fiscal
5 year 1997, and for each fiscal year thereafter, the
6 Secretary shall withhold 5 percent of the amount re-
7 quired to be apportioned to a State under para-
8 graphs (1), (2), (5), and (6) of section 104(b) for
9 the fiscal year, if, for any period during the imme-
10 diately preceding fiscal year, the possession of any
11 open alcoholic beverage container, or the consump-
12 tion of any alcoholic beverage, in the passenger area
13 of any motor vehicle located on a public highway, or
14 the right-of-way of a public highway, in the State is
15 lawful.

16 “(2) LIMITATION OF APPLICATION TO CHARTER
17 BUSES.—If a State has in effect a law that makes
18 the possession of any open alcoholic beverage con-
19 tainer unlawful in the passenger area by the driver
20 (but not by a passenger) of a motor vehicle designed
21 to transport more than 10 passengers (including the
22 driver) while being used to provide charter transpor-
23 tation of passengers, the State shall be deemed in
24 compliance with paragraph (1) with respect to the
25 motor vehicle for each fiscal year during which the
26 law is in effect.

1 “(b) PERIOD OF AVAILABILITY; EFFECT OF COMPLI-
2 ANCE AND NONCOMPLIANCE.—

3 “(1) FUNDS WITHHELD ON OR BEFORE SEP-
4 TEMBER 30, 1997.—

5 “(A) PERIOD OF AVAILABILITY.—Any
6 funds withheld under this section from appor-
7 tionment to any State on or before September
8 30, 1997, shall remain available for appor-
9 tionment to the State as follows:

10 “(i) If, but for this section, the funds
11 would otherwise have been apportioned
12 under section 104(b)(5)(A), the funds shall
13 remain available until the end of the fiscal
14 year for which the funds are made avail-
15 able.

16 “(ii) If, but for this section, the funds
17 would otherwise have been apportioned
18 under section 104(b)(5)(B), the funds shall
19 remain available until the end of the sec-
20 ond fiscal year following the fiscal year for
21 which the funds are made available.

22 “(iii) If, but for this section, the funds
23 would have been apportioned under para-
24 graph (1), (2), or (6) of section 104(b), the
25 funds shall remain available until the end

1 of the third fiscal year following the fiscal
2 year for which the funds are made avail-
3 able.

4 “(B) FUNDS WITHHELD AFTER SEPTEMBER
5 BER 30, 1997.—No funds withheld under this
6 section from apportionment to a State after
7 September 30, 1997, shall be available for ap-
8 portionment to the State.

9 “(2) APPORTIONMENT OF WITHHELD FUNDS
10 AFTER COMPLIANCE.—If, before the last day of the
11 period for which funds withheld under this section
12 from apportionment are to remain available for ap-
13 portionment to a State under paragraph (1), the
14 State brings into effect a law that is in compliance
15 with subsection (a), on the day following the effec-
16 tive date of the law, the Secretary shall apportion to
17 the State the withheld funds remaining available for
18 apportionment to the State pursuant to paragraph
19 (1).

20 “(3) PERIOD OF AVAILABILITY OF SUBSE-
21 QUENTLY APPORTIONED FUNDS.—

22 “(A) IN GENERAL.—Any funds appor-
23 tioned pursuant to paragraph (2) shall remain
24 available for expenditure as follows:

1 “(i) Funds apportioned under section
2 104(b)(5)(A) shall remain available until
3 the end of the fiscal year succeeding the
4 fiscal year for which the funds are appor-
5 tioned.

6 “(ii) Funds apportioned under para-
7 graph (1), (2), (5)(B), or (6) of section
8 104(b) shall remain available until the end
9 of the third fiscal year succeeding the fis-
10 cal year for which the funds are appor-
11 tioned.

12 “(B) UNOBLIGATED SUMS.—Sums that
13 are not obligated on the termination of the pe-
14 riod referred to in subparagraph (A) shall—

15 “(i) lapse; or

16 “(ii) in the case of funds apportioned
17 under section 104(b)(5), lapse and be
18 made available by the Secretary for
19 projects in accordance with section 118(b).

20 “(4) EFFECT OF NONCOMPLIANCE.—If, on the
21 termination of the period for which funds withheld
22 under this section from apportionment are available
23 for apportionment to a State under paragraph (1),
24 the State does not have in effect a State law that
25 is in compliance with subsection (a)—

1 “(A) the funds shall lapse; or

2 “(B) in the case of funds withheld from
3 apportionment under section 104(b)(5), the
4 funds shall lapse and be made available by the
5 Secretary for projects in accordance with sec-
6 tion 118(b).

7 “(c) DEFINITIONS.—As used in this section:

8 “(1) ALCOHOLIC BEVERAGE.—The term ‘alco-
9 holic beverage’ has the meaning provided the term in
10 section 158(c).

11 “(2) MOTOR VEHICLE.—The term ‘motor vehi-
12 cle’ has the meaning provided the term in section
13 154(b).

14 “(3) OPEN ALCOHOLIC BEVERAGE CON-
15 TAINER.—The term ‘open alcoholic beverage con-
16 tainer’ has the meaning provided the term in section
17 410.

18 “(4) PASSENGER AREA.—The term ‘passenger
19 area’ shall have the meaning provided by the Sec-
20 retary by regulation.”.

21 (b) CONFORMING AMENDMENT.—The analysis for
22 chapter 1 of title 23, United States Code, is amended by
23 adding at the end the following new item:

“161. Open container limitations.”.

